

### **EXAMINER'S AMENDMENT**

This Notice of Allowance is in response to the Amendments filed 4/12/2011. In an interview with Applicant's Attorney on 4/12/11, the examiner agreed that these amendments would overcome the Final Rejection of 1/4/2011. Therefore the Final Rejection of 1/4/11 is withdrawn and the amendments filed after final on 4/12/11 are entered as they place the application in condition for allowance.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Craig Slavin on 4/19/11.

The application has been amended as follows:

Please amend the first paragraph of the specification on page 1 to read as below:

"This application is a continuation-in-part of co-pending U.S. application Serial No. 09/165,652, filed October 2, 1998, now U.S. Patent No. 6,544,215, which is incorporated herein by reference."

Please amend claim 77 as follows below:

77. (Currently Amended) An apparatus as claimed in claim ~~45~~ 76, wherein the means for preventing compression is located within the elongate body wall between the inner surface and the outer surface.

The following is an examiner's statement of reasons for allowance: The subject matter of the independent claims could either not be found or was not suggested in the prior art of record.

The subject matter not found in independent claim 45 was the device comprising a tubular member that is a partial circle in cross-section and includes first and second longitudinally extending edges which define a slot, extending completely through the tubular member and a portion of the steering wire being positioned within the slot, in combination with the other elements of the claim.

The subject matter not found in independent claim 47 was the device including a tubular anti-tear device positioned within the inner and outer surface of the wall, in combination with the other elements of the claim.

The subject matter not found in independent claim 52 was the device including a c-shaped anti-tear device with longitudinally extending edges that define a slot, the stiffening member being substantially longer than the anti-tear device, the stiffening member being coextensive with substantially less than one-half of the circumference, in combination with the other elements of the claim.

The subject matter not found in independent claim 68 was the device including a stiffening member, steering wire, the stiffening member and steering wire being offset from each other by 180 degrees and anti-tear means which is secured directly to the proximal portion of the stiffening member, located within the body wall and the anti-tear means preventing the steering member from tearing through the outer surface of the body wall, in combination with the other elements of the claim.

The subject matter not found in independent claim 69 was the device including an elongate body being a substantially solid single-piece wall, steering wire, anchoring member, stiffening member, tubular member and wherein the elongate body and the tubular member are separate elements, in combination with the other elements of the claim.

The subject matter not found in independent claim 70 was the device including an elongate body being a substantially solid single-piece wall, steering wire, anchoring member, stiffening member, tubular member including a slot through which the steering wire passes and wherein the elongate body and the tubular member are separate elements, in combination with the other elements of the claim.

The subject matter not found in independent claim 71 was the device including the anchoring member being located between the inner and outer wall surface and the substantially tubular member extending less than completely around the longitudinal axis and secured to the stiffening member, in combination with the other elements of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA C. SCHELL whose telephone number is (571)272-7881. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura C Schell/  
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